

AMENDED IN SENATE APRIL 21, 2005

**SENATE BILL**

**No. 562**

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**Introduced by Senator Torlakson**

February 18, 2005

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An act to amend Sections 33352, 33353, 33354, and 35179 of the Education Code, relating to physical education.

LEGISLATIVE COUNSEL'S DIGEST

SB 562, as amended, Torlakson. Physical education: California Interscholastic Federation.

Existing law provides the State Department of Education the authority to exercise general supervision over courses of physical education and specified authority over interscholastic athletics. Existing law grants the governing board of a school district authority to regulate interscholastic athletics, including, but not limited to, the authority to enter into associations or consortia with other boards relating to interscholastic athletics, with certain requirements. *Existing law repeals these provisions on January 1, 2007.*

*This bill would extend the operation of these provisions indefinitely.*

Existing law also describes the California Interscholastic Federation and provides the intent of the Legislature regarding its policies. Existing law repeals these provisions on January 1, 2007.

This bill would extend the operation of these provisions ~~indefinitely~~ to January 1, 2017.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 33352 of the Education Code is amended to read:

33352. (a) The department shall exercise general supervision over the courses of physical education in elementary and secondary schools of the state; advise school officials, school boards, and teachers in the development and improvement of their physical education and activity programs; and investigate the work in physical education in the public schools.

(b) The department shall ensure that the data collected through the Coordinated Compliance Review indicates the actual number of minutes of instruction in physical education actually provided by each school district, for the purpose of determining whether each school district is in compliance with the physical education requirements of Sections 51210, 51220, 51222, and 51223.

SEC. 2. Section 33353 of the Education Code is amended to read:

33353. (a) The California Interscholastic Federation is a voluntary organization that consists of school and school related personnel with responsibility for administering interscholastic athletic activities in secondary schools. It is the intent of the Legislature that the California Interscholastic Federation, in consultation with the department, implement the following policies:

(1) Give the governing boards of school districts specific authority to select their athletic league representatives.

(2) Require that all league, section, and state meetings affiliated with the California Interscholastic Federation be subject to the notice and hearing requirements of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Division 2 of Title 5 of the Government Code).

(3) Establish a neutral final appeals body to hear complaints related to interscholastic athletic policies.

(4) Provide information to parents and pupils regarding the state and federal complaint procedures for discrimination complaints arising out of interscholastic athletic activities.

(b) The California Interscholastic Federation shall report to the Legislature and the Governor on its evaluation and accountability

1 activities undertaken pursuant to this section every five years  
2 commencing January 1, 2010.

3 *(c) This section shall become inoperative on January 1, 2017,*  
4 *unless a later enacted statute, that is enacted before January 1,*  
5 *2017, deletes or extends that date.*

6 SEC. 3. Section 33354 of the Education Code is amended to  
7 read:

8 33354. (a) The department shall have the following authority  
9 over interscholastic athletics:

10 (1) The department may state that the policies of school  
11 districts, of associations or consortia of school districts, and of  
12 the California Interscholastic Federation, concerning  
13 interscholastic athletics, are in compliance with both state and  
14 federal law.

15 (2) (A) If the department states that a school district, an  
16 association, or consortium of school districts, or the California  
17 Interscholastic Federation is not in compliance with state or  
18 federal law, the department may require the school district,  
19 association, or consortium, or the federation to adjust its policy  
20 so that it is in compliance. However, the department shall not  
21 have authority to determine the specific policy that a school  
22 district, must adopt in order to comply with state and federal  
23 laws.

24 (B) Notwithstanding any other provision of law, a complainant  
25 from a public school who wishes to file a discrimination  
26 complaint pursuant to the regulations adopted for the purpose of  
27 implementing Section 261 based on interscholastic activities  
28 conducted by an association, a consortium of school districts, or  
29 by the California Interscholastic Federation, is not required to  
30 first file a discrimination complaint with a school district, but  
31 may file an initial discrimination complaint directly with the  
32 department, and the department shall have the authority to  
33 specify, with regard to a specific discrimination complaint, the  
34 administrative remedies that such an association, a consortium of  
35 school districts, or the California Interscholastic Federation must  
36 provide in order to comply with state or federal law.

37 (3) If the department states that a school district, association,  
38 or consortium, or the federation is not in compliance with state or  
39 federal law in matters relating to interscholastic activities, and  
40 the school district, association, or consortium, or the federation

1 does not change its policy in order to comply with these laws, the  
2 department may commence with appropriate legal proceedings  
3 against the California Interscholastic Federation, the school  
4 district or against school districts that are members of the  
5 California Interscholastic Federation or the association or  
6 consortium that the department states is in noncompliance. In a  
7 legal proceeding the court shall determine the matter de novo.  
8 The department may make recommendations for appropriate  
9 remedies in these proceedings.

10 (b) This section does not limit the discretion of local  
11 governing boards, or voluntary associations formed or  
12 maintained pursuant to subdivision (b) of Section 35179, in any  
13 policy, program, or activity that is in compliance with state and  
14 federal law.

15 (c) The state law with which the policies of school districts,  
16 associations, or consortia of school districts, and of the California  
17 Interscholastic Federation, concerning interscholastic athletics,  
18 are required to comply, in accordance with this section, includes,  
19 but is not limited to, any regulations issued by the State Board of  
20 Education pursuant to Section 232 with regard to discrimination  
21 in interscholastic athletics.

22 SEC. 4. Section 35179 of the Education Code is amended to  
23 read:

24 35179. (a) Each school district governing board shall have  
25 general control of, and be responsible for, all aspects of the  
26 interscholastic athletic policies, programs, and activities in its  
27 district, including, but not limited to, eligibility, season of sport,  
28 number of sports, personnel, and sports facilities. In addition, the  
29 board shall assure that all interscholastic policies, programs, and  
30 activities in its district are in compliance with state and federal  
31 law.

32 (b) Governing boards may enter into associations or consortia  
33 with other boards for the purpose of governing regional or  
34 statewide interscholastic athletic programs by permitting the  
35 public schools under their jurisdictions to enter into a voluntary  
36 association with other schools for the purpose of enacting and  
37 enforcing rules relating to eligibility for, and participation in,  
38 interscholastic athletic programs among and between schools.

39 (c) Each governing board, or its designee, shall represent the  
40 individual schools located within its jurisdiction in any voluntary

1 association of schools formed or maintained pursuant to this  
2 section.

3 (d) No voluntary interscholastic athletic association, of which  
4 any public school is a member, shall discriminate against, or  
5 deny the benefits of any program to, any person on any basis  
6 prohibited by Chapter 2 (commencing with Section 200) of Part  
7 1.

8 (e) Notwithstanding any other provision of law, no voluntary  
9 interscholastic athletic association shall deny a school from  
10 participating in interscholastic athletic activities because of the  
11 religious tenets of the school, regardless of whether that school is  
12 directly controlled by a religious organization.

13 (f) Interscholastic athletics is defined as those policies,  
14 programs, and activities that are formulated or executed in  
15 conjunction with, or in contemplation of, athletic contests  
16 between two or more schools, either public or private.